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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,919	10/21/2003	Andrew Charles Renshaw	116665	3905

25944 7590 03/14/2007  
OLIFF & BERRIDGE, PLC  
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EXAMINER
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KNIGHT, DEREK DOUGLAS

ART UNIT	PAPER NUMBER
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3681

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/14/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/688,919

Applicant(s)

RENSHAW, ANDREW CHARLES

Examiner

Derek D. Knight

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 2/9/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4 is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 9, 2007 has been entered.

***Claim Objections***

Claim 3 is objected to because of the following informalities: Claim 3 should be edited so that it concludes with a period. Appropriate correction is required.

***Response to Arguments***

Applicant's arguments, see page 5 of the remarks, filed on February 9, 2007, with respect to the rejection(s) of claim(s) 1 through 3 under 35 U.S.C. §103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the newly found prior art references, which teach the prevention of movement and rotation of with respect to a bracket.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does

not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over **O'NEAL (US 5,064,157)** in view of **WHITE (US 982,105)**.

**O'NEAL** discloses, as shown in figures 2-4, a cross brace clamp assembly for a handlebar comprising an elongate cross brace (12) having first and second ends, two clamps (22), one for clamping each end of the handlebar (14) at spaced apart locations, in which respect each clamp (22) comprises two clamp elements (30) adapted to be oppositely mounted, each clamp element having a facing surface, and formed with a recess having a part-circular cross-section (25), with at least one aperture (34), and at least one fastener (44) for each clamp that engages through the apertures in the opposing clamp elements of each clamp to clamp them securely to both the handlebar and the cross brace. With the respective handlebar locations received between the recesses of the part-circular cross-section of the oppositely mounted clamp elements of each clamp. O'Neal shows a motorcycle handlebar fitted with such a cross brace assembly.

**O'NEAL** fails to teach the cross brace being formed at each end with a part-spherical knob, the clamps having separate elements formed with a part-spherical recess for reception of the cross brace knob, and the respective cross brace knob received between the part-spherical recesses of the oppositely mounted clamp elements.

**WHITE** shows a clamp assembly consisting of two separate clamp elements (2 & 3) where both clamp halves form a spherical cavity (12) for retaining a part-spherical knob (18) formed on a brace (20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **O'NEAL** such that the brace would be formed with a part-spherical knob and each clamp half would be formed with a part-spherical recess, in view of **WHITE** so the clamp may be readily adjusted to assume any angular position, and the clamp is capable of properly sustaining such a position (**WHITE**, col. 1 ln. 15-18).

**Claim 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over **O'NEAL (US 5,064,157)** in view of **WHITE (US 982,105)**, as applied to claims 1 and 3 above, and further in view of **SAUNDERS, IV (US 4,700,919)**.

The combination of **O'NEAL-WHITE**, as discussed above, teaches fasteners being provided for each clamp for engagement through apertures in each opposing clamp element, thus clamping them to a mounting bar and securing their respective attachments. **O'NEAL-WHITE** fails to teach two apertures on the clamp elements positioned one on each side of the part spherical recess.

In figure 2, **SAUNDERS, IV**, discloses an arm (18) with a ball (50) on its end that fits in a part-spherical socketed connector (24) with two holes (80) for fasteners that pass alongside the ball-receiving socket (70).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the clamps of the combination of **O'NEAL-WHITE** by placing two apertures on either side of the spherical recess in the clamp elements to receive fasteners in view of **SAUNDERS, IV**. The modifications would allow for a greater and more evenly distributed clamping force on the knob portion of the cross brace to ensure a selected adjusted position is maintained (**SAUNDERS, IV**, col. 2, ln. 40).

#### ***Allowable Subject Matter***

Claim 4 is allowed.

#### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Mangano et al. (US 2005/0198781 A1) September 15, 2005** - discloses a handle for motorcycles with a tapered section, and a cross brace assembly comprising clamping elements that are conformed to fit around the tapered section of the handlebars.

#### ***Facsimile Transmission***

Submission of your response by facsimile transmission is encouraged. Group 3600's facsimile number is (571) 273-8300. Recognizing the fact that reducing cycle

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time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as the PTO's mail room processing and delivery time. For a complete list of correspondence not permitted by facsimile transmission, see MPEP 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check should not be submitting by facsimile transmission separately from the check.

Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP 512). The following is an example of the format the certification might take:

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Typed or printed name of person signing this certificate:

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(Signature)

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If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derek D. Knight whose telephone number is (571) 272-7951. The examiner can normally be reached on Mon - Thurs & every other Friday, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on (571) 272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DDK

*Charles A. Marmol* 3/12/07  
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SUPERVISORY PATENT EXAMINER  
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